

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LATANYA THOMAS,)	CASE NO. 8:12-CV-412
Special Administrator of the)	
Estate of TYLER THOMAS,)	
)	
Plaintiff,)	PLAINTIFF’S BRIEF IN SUPPORT OF
)	MOTION FOR CERTIFICATION
v.)	
)	
BOARD OF TRUSTEES OF THE)	
NEBRASKA STATE COLLEGES and)	
JOSHUA KEADLE,)	
)	
Defendants.)	

The Plaintiff, by and through her attorney, requests that this Court certify, pursuant to Fed. R. Civ. P. 54 (b), that its order in judgment of July 28, 2015, dismissing her claim against Defendant Board of Trustees of the Nebraska State Colleges (Board), is a final judgment suitable for immediate appeal, states as follows:

ARGUMENT

Fed. R. Civ. P. 54 (b) provides that, when an action is against multiple parties,

“The court may direct entry of a final judgment as to one or more, but fewer than all, parties only if the Court expressly determines that there is no just reason for delay. The Plaintiff seeking this ruling must set forth a ‘brief but particularized statement of its reasons [for acting]’ in order to demonstrate that Rule 54 (b) is invoked in a proper manner. *Speigel v. Trustees of Tufts College* 843 F.2d 38, 44 N. 5 First Cir. (1988).

I. There Is No Just Reason For Delay

Plaintiff filed suit against two defendants: Defendant Board, under Title IX, and the individual Defendant Joshua Keadle, who is responsible for the death of her daughter. The Court’s granting of Defendant Board’s Motion for Summary Judgment has dismissed the Title IX case. A default judgment was entered against the individual Defendant Keadle. There is no

reason to delay this appeal pending a trial on damages against Keadle. Keadle is currently imprisoned and will remain so for at least the next two years.

As such, there are no issues of law to be determined by the Court with respect to the trial on damages against Defendant Keadle.

CONCLUSION

Plaintiff requests that this Court grant the relief sought so that an appeal may be taken by the Plaintiff.

LATANYA THOMAS,
Special Administrator of the
Estate of Tyler Thomas, Plaintiff.

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